IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL REVN.APPLN.NO.90 OF 2007

Mr.Nesmani T.Nadar ..Applicant

Vs.

State of Maharashtra & Anr. ..Respondents

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Mr.P.P.Runwal, advocate for applicant
Mr.S.R.Shinde A.P.P. for the State
Mr.S.A.Sawant for respondent no.2

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**CORAM: SMT.V.K.TAHILRAMANI,J.**
**DATE : APRIL 27, 2007**

**P.C.**

1. Heard the learned advocate for the applicant-original accused, the learned A.P.P. for the State and learned advocate for the respondent no.2-original complainant.

2. The applicant (original accused) has been convicted under Section 138 of Negotiable Instruments Act by the learned Magistrate by judgment and order dated 1.12.2003 in C.C.No. 3039 of 1998. Appeal preferred by the applicant came to be dismissed, hence, this Criminal Revision Application.

3. The entire amount of Rs.85,000/- of compensation has been deposited by the applicant i.e. Rs.10,000/- was deposited by him in Sessions Court and Rs.75,000/- was deposited by him in this Court. The learned advocate for the applicant stated that the complainant be allowed to withdraw the said amounts. In addition thereto, the applicant has agreed to give an amount of Rs.25,000/- to the complainant. The learned advocate for the complainant states that if the said amount of Rs.25,000/- is handed over to the complainant in cash or by demand draft, in that case, the complainant does not wish to continue with the prosecution and the case against the applicant-accused may be quashed.

4. In view of the above statement made on behalf of the complainant, the Criminal proceedings against the applicant are quashed. The complainant is permitted to withdraw the amount of Rs.85,000/- which has been deposited by the applicant i.e. Rs.10,000/- before the Sessions Court and Rs.75,000/- before this Court.

5. Time of four weeks from today is granted to the applicant to pay the amount of Rs.25,000/- either by cash or by demand draft directly to the complainant. If the said amount is not paid to the complainant within the stipulated period then this order shall stand automatically cancelled and the revision shall stand revived.

6. Revision application is disposed of.

[Smt.V.K.Tahilramani, J.]